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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/807,506	03/23/2004	Kevin Jump	JUMP 0101 PUS	3405

22045 7590 04/28/2009  
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EXAMINER
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MARSH, STEVEN M

ART UNIT	PAPER NUMBER
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3632

MAIL DATE	DELIVERY MODE
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04/28/2009

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/807,506	<b>Applicant(s)</b> JUMP, KEVIN	
	<b>Examiner</b> STEVEN M. MARSH	<b>Art Unit</b> 3632	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 06 January 2009.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1,4-10 and 13-19 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 13-17 is/are allowed.
- 6) ☒ Claim(s) 1,9,10 and 18 is/are rejected.
- 7) ☒ Claim(s) 4-8 and 19 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                     | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

This is the ninth office action for U.S. Application 10/807,506 for a Hanging Adjustable Mount filed on March 23, 2004. Claims 1, 4-10, and 13-19 are pending.

#### ***Claim Rejections - 35 USC § 102***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 1 and 18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent 3,006,443 to Siler. Siler discloses an adjustable mounting comprising a generally disc shaped mounting element (85) with an eccentrically located hole (88) extending therethrough, the disc having a perimeter and a back surface that engages the front surface of a wall (25) such that the mounting element and the front surface of the wall may exert frictional forces therebetween in a plane that is parallel to the front surface. There is a threaded fastener (60) extending substantially normally to the back surface and passing through the hole (88) in the mounting element. The threaded fastener is adapted to be secured by the wall and tightened against the mounting element to press the element against a surface of a wall to a selective degree to create a sufficient frictional force acting between the surface of the wall and the back surface of the mounting element to prevent rotation of the mounting element about the fastener or to be loosened to allow rotation of the mounting element on the fastener.

There is an engagement zone (87) on the mounting element perimeter that comprises a bottom of a groove, engageable with a hanging support attached to the

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object. The zone is located eccentrically with respect to the hole, the zone being vertically displaced when the mounting element is rotated about the threaded fastener, so as to position the object in a desired location on the wall, the mounting element thereafter able to be frictionally held against the wall's surface in the desired through tightening of the fastener against the mounting element so that an operator may adjust the object's vertical position solely from a front surface of the wall without recourse to a back surface thereof. Claim 1 contains limitations to the wall relative to the mounting and to the object that the mounting supports, but those features are not positively recited in the claims and therefore the mounting need only be capable of meeting the limitations. The element can be engaged against the front surface of a wall (25) and the groove can be spaced apart from a wall to define an arcuate zone of engagement between the groove and the support. The zone on the perimeter mounting element is also capable of being engaged with a wire (it could fit around the extended portion of 16) as claimed in claim 19.

### ***Claim Rejections - 35 USC § 103***

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 9 and 10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Silas. Silas does not directly disclose the groove as having continuous flared sides extending about the perimeter of the mounting element. However, the specific angle of the sides around the groove (flared side would only require that the sides extend at an

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angle greater than 90 degrees) of Silas are a matter of design preference that would have been obvious to one of ordinary skill in the art at the time of the present invention. Silas also fails to disclose counter bores at each end of the hole. However, Silas provides a teaching of a counter bore (at 32) for providing a flush joint for a fastener. It would have been obvious to one of ordinary skill in the art at the time of the present invention, to have provided a counter bore on each end of the hole for providing flush joints (for the fastener and a nut, as shown in figure 8), as is well known in the art.

#### ***Allowable Subject Matter***

Claims 13-17 are allowed. Claims 4-8 and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### ***Response to Arguments***

Applicant's arguments filed January 6, 2009 have been fully considered but they are not persuasive. In response to applicant's argument that Siler teaches a system that only works if access is gained to the back surface of a wall and two persons would be required to operate the invention, even if that were the case, the claim reads, "so that an operator may adjust the object's vertical position solely from a front surface of the wall without recourse to the back surface thereof. If there are two persons operating the invention, the operator adjusting the vertical position in the front, doesn't need access to the back surface.

***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **STEVEN M. MARSH** whose telephone number is (571)272-6819. The examiner can normally be reached on 8:30 am - 7:00 pm (Monday-Thursday).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, J Allen Shriver can be reached on 571-272-6698. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/S. M. M./  
Examiner, Art Unit 3632  
April 20, 2009

/J. ALLEN SHRIVER II/  
Supervisory Patent Examiner, Art Unit 3632